



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

226

CRM-M-41001-2025(O&M)  
Decided on: 05.08.2025

VIKASH @ AAKASH

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

PRESENT: Mr. Ashish Rana, Advocate and  
Mr. Vishawjeet Singh, Advocate for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

\*\*\*\*

**KIRTI SINGH, J. (Oral)**

1. The jurisdiction of this Court has been invoked under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No.61 dated 04.02.2025, under Sections 115(2), 118(1) (added later on), 75(2), 3(5) and 333 of BNS registered at Police Station Sector 13-17, District Panipat.
2. The contents of the aforesaid FIR are reproduced herein below:-

*“Respected SHO, PS sector 13-17, Panipat, it is request to you that I Sanjay kumar s/o Rajender r/o of village Barana, district Panipat. That today on 04.02.2025 1 Hasim son of Shamshad, Shoyab son of Naseem, Rohit son of Jimri and Akash son of Dharmender came on motorcycle bearing registration No.HR60M-0654 and entered my house. They pressed the private parts of my sister-in-law with ill intention, while molesting her. When she raised alarm, I came to her rescue, on which Hasim inflicted blow in right side of my stomach with a sharp edged weapon whereas Shoyab inflicted blow on my knee with an iron rod. I fell down. However, we apprehended Akash whereas Hasim, Shoyab and Rohit fled. We called police through 112 number and handed over accused Akash to them, kindly take necessary legal action against the accused.”*



3. Learned counsel for the petitioner submits that the petitioner, a young man aged 21 years, has been falsely implicated in the present case on the statement of the complainant. It is submitted that all the injuries purportedly inflicted on the complainant are attributable to the co-accused. Further, the prosecutrix, in her statement has also not assigned any specific role to the petitioner in the alleged occurrence. The petitioner is in custody since 05.02.2025 and his custody period is 06 months. There is one other case registered against him in which he is yet to be granted bail.

4. *Per contra* learned State counsel has opposed the bail and submits that the petitioner was actively involved in the commission of the alleged offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone actual custody of 06 months and there is one more case registered against him, in which he is in custody. He on instructions from investigating officer submits that challan was presented on 05.07.2025 and charges are yet to be framed. He, however, submits that in view of the serious allegations against the petitioner, petitioner is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 05.02.2025. Investigation is complete. The final report under Section 173 Cr.P.C. was presented on 05.07.2025 and charges are yet to be framed. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle "Bail is a rule, jail is an



exception” as elucidated in the judgment of Apex Court in **“Dataram Singh vs. State of Uttar Pradesh and another”, (2018) 3 SCC 22.**

7. As regards the submission of learned State counsel that petitioner is involved in one more criminal case, it has been held by the Hon’ble Supreme Court in **Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382** that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in another case. The relevant portion of the said judgment is reproduced herein-below:-

*“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”*

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which she is accused of, or for commission of which he is suspected.
- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts



to the Court or to any police officer or tamper with the evidence.

9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

11. Pending miscellaneous application(s), if any, also stands disposed of.

**(KIRTI SINGH)**  
**JUDGE**

**05.08.2025**

*Kavita*

*Whether speaking/reasoned: Yes/No*  
*Whether Reportable: Yes/No*